

distinguishable by size. As described in the specification and claims of this application, the amplification products of the target sequence and the control sequence may also be distinguished using an internal oligonucleotide probe. Accordingly, claims 46-48, which are presented herein, specify that the amplification products of the target and control sequences are distinguishable by size or by use of an internal oligonucleotide probe. These claims otherwise are identical to claims 34, 35 and 37, respectively. Support for this limitation appears in the specification, for example at page 7, lines 20-22 and in original claims 18, 26 and 27.

Newly added claim 49 is directed to a method for the quantitative determination of a target nucleic acid sequence. Support for this claim appears in the specification, for example at page 6, line 15 through page 8, line 4.

In the amendment filed on December 18, 1996, claim 15 of the '774 patent was proposed as the interference count. Each of newly added claims 46-49 should be designated as corresponding to the count. Compliance with 35 U.S.C. § 135(b) is satisfied with respect to newly added claims 46-49, inasmuch as they are being submitted within one year of the December 19, 1995 issue date of the '774 patent.

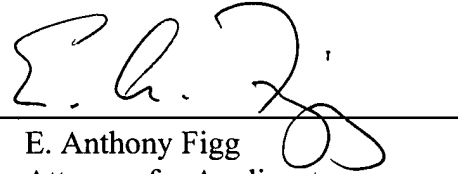
Applicants are entitled to the benefit of the January 27, 1988 filing date of parent application serial no. 07/148,959 (the "'959 application") (attached as App. B to the December

18, 1996 amendment) with respect to claims 46-59. Support for those claims is found, for example, at page 3, line 27 through page 4, line 2 and page 5, lines 1-11 of the '959 application.

In view of the foregoing, Applicants respectfully request entry of the foregoing amendments and declaration of interference with the '774 patent.

Respectfully submitted,

By



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